IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 37278 of 2007(K)

OS.273/2005 of II ADDL.SUB COURT,TRIVANDRUM

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PETITIONER:

KERALA POLICE HOUSING AND CONSTRUCTION CORPORATION LTD., CHANDRASEKHARAN NAIR STADIUM, PALAYAM, VIKAS BHAVAN P.O., THIRUVANANTHAPURAM REP. BY ITS MANAGING DIRECTOR.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS:

M/S.SURYA CONSTRUCTIONS, PALACE ARCADE, STATUE JUNCTION, TRIPUNITHURA - 682 301, REGISTERED PARTNERSHIP, REP. BY ITS MANAGING PARTNER, MATHEW KALARICKAL, KALARICKAL HOUSE, KIZHAKKAMBALAM P.O., ERNAKULAM DISTRICT.

BY ADV SHRI. K.BABU THOMAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.37278 OF 2007

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Dated this the 17th day of December 2007

JUDGMENT

This writ petition is filed against the order of II Addl.Sub Judge, Thiruvananthapuram in I.A.No.3899 of 2005 in O.S.No.273 of 2005. It is one for the issuance of a Commission and the court by a one line order allowed the application. Learned counsel for the petitioner contends before me that he has filed a detailed objection which runs to about 15 paragraphs and it has not been considered. There is force in the said contention.

2. Heard the learned counsel for the respondent as well and he would submit that it is necessary for a proper determination of the case. Therefore the order under challenge is set aside. Since the order written by the learned Sub Judge is a one word order, I feel the court below has to consider the objections raised by the other side and decide the matter in accordance with law, after hearing all parties concerned.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-